

Thomas-Jensen Affirmation

Exhibit # 82

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, ET AL.

Plaintiffs,

v.

C.A. No. 25-cv-39-JJM-PAS

**DONALD TRUMP, in his Official
Capacity as President of the United
States, et al.**

Defendants

**Declaration of Peter Wyckoff,
Deputy Commissioner of Energy Resources,
Minnesota Department of Commerce**

Peter Wyckoff declares as follows:

1. I am the Deputy Commissioner for Energy Resources for the Minnesota Department of Commerce (“Department of Commerce”), a position I have held since 2024. I’ve been with the Department of Commerce since 2023. Prior to that I had positions with the U.S. Senate, the U.S. Department of Energy, the National Science Foundation, and spent many years in college-level academic settings, all in the area of biological sciences. In sum, my career has focused on climate science and related issues since I graduated with my Ph.D in Forest Ecology in 1999.

2. I oversee programs that provide energy assistance directly to Minnesotans and programs that work on transitioning to renewable energy.

3. I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.

4. In Minnesota, the Department of Commerce is responsible for, among other things:

- protecting and assisting Minnesota consumers;
- overseeing many industries in Minnesota; and
- ensuring a strong and competitive marketplace for Minnesota.

5. The Department of Commerce's Energy Resources Division:

- promotes policies and provides services for reliable, affordable, and clean energy for Minnesota businesses and homes;
- maintains a state emergency energy plan and recovery plan; and
- administers Minnesota's Energy Assistance and Weatherization Assistance Programs.

6. I am providing this declaration to explain some of the adverse impacts of the threatened and actual suspensions and impoundments of federal grant funding resulting from: (1) President Trump's Executive Orders; (2) the memorandum "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs," Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) ("OMB Memo"); and (3) other federal agency actions.

7. The Department of Commerce continues to see impacts from federal funding suspensions. Through the federal government's various notifications to the Department of Commerce in recent days, we are aware that many federal funding sources for Minnesota programs are on hold, while at least one Inflation Reduction Act ("IRA") program is still unavailable.

8. The Department of Commerce is currently the recipient of 13 separate federal grants, for which grant contracts have been executed. The Trump Administration, in one form or another, has threatened every single federal grant that the Department of Commerce receives.

9. The Department of Commerce receives approximately \$14 million in baseline State funding annually for its work, while it has nearly \$1 billion in active federal grant funding, including annual appropriations of nearly \$200 million.

10. In the immediate aftermath of the issuance of the OMB Memo, and the related list of affected programs, it appeared that all of the federal funding for the Department of Commerce would be impacted. As a result, the Department of Commerce began emergency contingency planning to assess which Department of Commerce programs would be implicated by the Trump Administration's actions. For example, the list of potentially affected funds that was circulated in connection with the OMB Memo threatened funding for energy assistance. This program provides direct assistance to Minnesotans that meet qualifying income thresholds. More than 75% of the program's applicants are seniors, people with disabilities, or households with children under the age of five years. This program is funded exclusively with federal money.

11. The energy assistance program provides several benefits. It provides direct payments to utility providers on behalf of applicants for a portion of a household's energy costs, based on income and affordability. It also provides for emergency assistance and repairs or replacement of failing heating systems.

12. Currently, there are approximately 24,000 pending applications requesting assistance, across the State. If the energy assistance program funding ceases, those applications would have to be denied; no one would get their heating bills paid, and the program could not authorize the repair or replacement of non-functional heating systems. All applicants are households needing emergency assistance to avoid loss of heat or to reinstate heat services to their home. In the winter months, Minnesota can often reach temperatures below zero degrees Fahrenheit, making heat a critical, lifesaving service.

13. Last year, the energy assistance program served 129,837 Minnesota households, primarily from the months of January to April, when Minnesota is at its coldest; 64,000 of those were emergency cases. So far this winter, starting in October 2024, we have awarded \$53,103,475 to 83,172 households needing assistance, with an average household benefit of just \$642. Half of these households had a person over 60 years old; 43% of them had a person with a disability; 15% of them had children under 5. Based upon utilization from previous years, approximately 47,000 households would not get critical services to maintain heat this winter if federal funding stops.

14. Our service provider network that provides heating system repairs is already working with historically low funding and increasing costs to retain and pay workers. Any delay, disruption, or reduction in available funding for these agencies will devastate the people and organizations that work so hard to ensure our most vulnerable populations don't have to choose between heat and other necessities like food and medicine.

15. There are several Minnesota Department of Commerce programs funded by the IRA and the Infrastructure Investment and Jobs Act (“IIJA”) specifically in the “Unleashing American Energy” Executive Order issued on January 20, 2025, as well as other general actions to freeze federal funding to states.

16. One such program area heavily impacted by threatened impoundment of federal funding to Minnesota relates to energy efficiency rebates. The Department of Commerce is on the cusp of deploying two home energy rebates programs funded by the IRA – the Home Electrification Appliance Rebate program (“HEAR”), which provides rebates to replace non-electric appliances with more efficient electric ones, and the Home Efficiency Rebate Program (known as “HOMES”), which provides rebates for whole-home energy saving improvements for both single- and multi-family homes. The combined federal allocation for these programs is nearly \$148.5 million dollars, with approximately half of the funds going to each program.

17. The HEAR program is designed with an income restriction, with a maximum benefit amount of \$14,000. The Department of Commerce expects to provide rebates to at least 5,000 households through this program.

18. The HOMES program focuses on incentivizing weatherization such as insulation, duct sealing, and air sealing (also known as building envelope improvements). To be eligible, these households must show an energy savings of 20% based upon the improvements. The Department of Commerce expects to assist at least 12,000 households with this program.

19. HEAR and HOMES will deliver lasting savings to each and every participant. The Department of Commerce has focused its program designs on pathways to ensure households across all of Minnesota are able to maximize these benefits. Were these funds to be cut off, the programs that could deliver lasting energy savings to Minnesotans, would stop, and at a time when energy prices are anticipated to increase in Minnesota.

20. Another threatened program impact is in the Weatherization Assistance program, which is funded by the IIJA. The Weatherization Assistance Program provides free home energy upgrades to income-eligible homeowners and renters across the State, with priority given to those with elderly, disabled, or children members, to help save energy and make sure your home is a healthy and safe place to live. In fiscal year 2024 nearly 2000 households were weatherized. In 2022, Minnesota received an additional \$76 million in funding for this program from the IIJA to serve an additional 4500 households, with capacity ramping up over the performance period. Cutting the funding now risks thousands of these additional households not receiving weatherization and not being able to lock-in long-term 30% lower energy costs.

21. Solar for All is another program funded by the IRA threatened with impoundment. In total, the program is a \$7 billion program administered by the U.S. Environmental Protection Agency (“EPA”). The Department of Commerce was one of 60 award recipients announced, with an award of \$62 million over five years. The Department of Commerce has a signed grant agreement, but it has received no funds yet and has been told this program has been suspended.

22. Solar for All will support residential-serving solar for over 11,300 low-income and disadvantaged households in communities across Minnesota, including the federally recognized tribal communities that share the same geography. Most of these funds will be in the form of financial assistance that is expected to stimulate \$167 million in additional investments, while some of the Solar for All funding will be used for supportive efforts like workforce development, interconnection, and pre-development technical assistance, energy navigators, community engagement, education, and more.

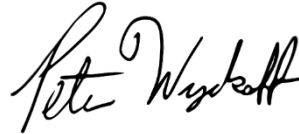
23. We estimate that the residential-serving solar projects funded through by Solar for All will provide significant household energy savings of at least 20%.

24. Additionally, in my role as Deputy Commissioner for the Department of Commerce, I am a board member of the Minnesota Climate Innovation Finance Authority (“MnCIFA”), which was created by the Minnesota legislature in 2023 to be a state green bank to fund projects that bring clean, reliable, inexpensive energy to Minnesotans across the State. Although MnCIFA was given seed money from the Minnesota legislature, MnCIFA was directed to apply for U.S. Department of Energy’s Loan Program to receive and disburse money throughout the state to qualified projects. The Department of Energy Loan Program Office (“LPO”) received funding from the IRA and IIJA to expand its investment capabilities.

25. In 2024, MnCIFA advanced a proposal to the LPO, seeking \$120 million in funds, to combine with \$30 million in financial support from MNCIFA funds and other local support, to significantly increase the installation of solar on Minnesota schools. Combined, this financing aimed to spur a total capacity of 60 MW of solar across 650 schools statewide over the course of five years. MnCIFA plans to approve 133 projects per year, and based on

past utilization of the existing grant program, we expect projects to be well dispersed Statewide. Currently, 133 Minnesota schools have solar; once all projects are complete, there will be 1,000 Minnesota schools with solar, with a total of 82,000 MWhs of annual production. If this federal funding pipeline is frozen, MnCIFA will not be able to fully effectuate its purpose.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Peter Wyckoff", is positioned above a horizontal line.

Dated: 2/5/2025

Peter Wyckoff
Deputy Commissioner for
Energy Resources
Minnesota Department of
Commerce